

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

KELVIN DEMETRIS PEACOCK,
#187315,

Plaintiff,

V.

JEFFERSON S. DUNN, *et al.*,

Defendants.

CASE NO. 2:20-CV-401-WKW
[WO]

ORDER

Before the court is Plaintiff's *pro se* notice of appeal. (Doc. # 38.) The Order (Doc. # 37) from which Plaintiff appeals is not a final judgment and, thus, is not subject to an interlocutory appeal under 28 U.S.C. § 1292(a). For this reason, the notice of appeal (Doc. # 38) is construed as containing a motion to certify a question for interlocutory appeal pursuant to 28 U.S.C. § 1292(b). Section 1292(b) provides that

[w]hen a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order.

§ 1292(b).

For the reasons set out in the Recommendation (Doc. # 33), which was adopted by the court (Doc. # 37), the questions involved in Plaintiff's appeal do not meet the standard for certifying a question for interlocutory appeal.

Accordingly, it is ORDERED that Plaintiff's motion to certify a question for interlocutory appeal (Doc. # 38) is DENIED.

DONE this 19th day of January , 2021.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE